IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 27363 of 2004(G)

PETITIONER:

REJI KURIAKOSE, MANAGER,
SAKHI WEEKLY, P.B.NO.7,
S.H. MOUNT, KOTTAYAM.

BY ADV. SRI.M.J.THOMAS.

RESPONDENT:

THE GENERAL SECRETARY, THE KOTTAYAM
JILLA SHOPS AND OTHER ESTABLISHMENTS
MAZDOOR SANGH, B.M.S. OFFICE, KOTTAYAM
REPRESENTING THE WORKMEN OF SAKHI WEEKLY.

BY GOVT. PLEADER SMT. DEEPA. K.R.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.27363/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE CLAIM STATEMENT SUBMITTED BY UNION BEFORE LABOUR COURT.

EXT.P.2: COPY OF THE COUNTER SUBMITTED BY MANAGEMENT BEFORE LABOUR COURT.

EXT.P.3: COPY OF THE SHOW CAUSE NOTICE DTD. 23/10/01 ISSUED TO WORKMEN.

EXT.P.4: COPY OF THE SHOW CAUSE NOTICE DTD. 30/11/91.

EXT.P.5: COPY OF THE SHOW CAUSE NOTICE DTD. 31/10/91.

EXT.P.6: COPY OF THE SHOW CAUSE NOTICE DTD. 13/11/91.

EXT.P.7: COPY OF THE LETTER DTD. 18/11/91.

EXT.P.8: COPY OF THE SHOW CAUSE NOTICE DTD. 19/12/91.

EXT.P.9: COPY OF THE NOTICE DTD. 20/12/91.

EXT.P.10: COPY OF THE NOTICE DD. 27/12/91.

EXT.P.11: COPY OF THE NOTICE DTD. 31/10/91.

EXT.P.12: COPY OF THE SHOW CAUSE NOTICE DTD. 07/11/91.

EXT.P.13: COPY OF THE SHOW CAUSE NOTICE DTD. 13/11/91.

EXT.P.14: COPY OF THE LETTER DTD. 18/11/91.

EXT.P.15: SHOW CUSE NOTICE DTD. 19/12/91.

EXT.P.16: COPY OF THE NOTICE DTD. 27/12/91.

EXT.P.17: COPY OF THE LETTER DTD. 03/01/92.

EXT.P.18: COPY OF THE AWARD IN ID. 185/92 DTD. 31/03/04 LABOUR COURT, ERNAKULAM.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

W.P.(C) No.27363 of 2004

Dated 20th July, 2007.

J U D G M E N T

Challenge is on Ext.P18 award passed by the Labour Court, Ernakulam in I.D.185/92. The issue referred for adjudication is the denial of employment to certain employees. In the case of two employees, viz., Raji K.Joseph and Raju P.Mani, it was held that the termination was illegal and hence an award was passed directing payment of compensation to the tune of Rs.50,000/- each. The Labour Court finding that in the normal course the court would allow the management to adduce evidence to prove the charges against the workmen, it was held that there was no such necessity to give a further chance to the management.

2. Having regard to the entire facts and circumstances of the case, I am of the view that the Labour Court should have granted an opportunity to the management for adducing further evidence, in view of its own finding that in the normal course, such an opportunity should have been granted. Hence, Ext.P18 award is set aside and the matter is remitted to the Labour Court, Ernakulam with a direction to pass a proper award after giving an

opportunity to the management to adduce evidence.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 20th July, 2007.